

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed February 6, 2007. At the time of the Final Office Action, Claims 1-3 and 6-34 were pending in this Application and were rejected. Claims 1-3 and 6-24 have been cancelled without prejudice or disclaimer. Claims 4 and 5 were previously cancelled. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections to Claims 1-3 and 6-24

Claims 1, 17 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,915,688 issued to Bischof et al. ("Bischof"). Claims 2, 3, 6-16 and 19-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bischof in view of U.S. Patent No. 5,376,094 issued to Kline et al. ("Kline"). Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bischof in view of U.S. Patent No. 6,662,969 issued to Peeler et al. ("Peeler"). Claims 1-3 and 6-24 have been cancelled without prejudice or disclaimer.

Rejections to Claims 25-34

Claims 25, 26, 32 and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0070915A1 by Mazzuca et al. ("Mazzuca"). Claims 27-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mazzuca. Claim 33 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mazzuca in view of U.S. Patent 4,915,688 and further in view of U.S. Patent 5,902,839.

Applicant submits herewith an affidavit under § 1.131 with supporting exhibits establishing conception and reduction to practice of the invention prior to the effective date of Mazzuca. Applicant submits that the § 1.131 Affidavit overcomes the existing rejections to Claims 25-34, which each rely in whole or in part upon Mazzuca.

Applicant requests reconsideration, withdrawal of the rejections to Claims 25-34 and full allowance thereof.

Association of Customer Number

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be associated with Customer No. **21394**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **21394**. All telephone calls should be directed to Brian E. Szymczak at 512-391-3961.

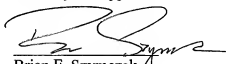
CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.391.3961.

Respectfully submitted
Attorney for Applicant,


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Date: 8/6/2007

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